

Appl. No. : 10/623,187
Filed : July 18, 2003

REMARKS

In response to the Office Action mailed May 19, 2004, Applicant respectfully requests the Examiner to reconsider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments listed above, Claims 1-19 and 21-41 remain pending. Claim 20 has been cancelled without prejudice or disclaimer, and Claim 1 has been amended. New Claims 21-41 have been added.

In the Office Action mailed May 19, 2004, the Examiner disposed of the claims as follows:

CLAIM NOS.	DISPOSITION/REJECTION		
	BASIS	PRIMARY REFERENCE	SECONDARY REFERENCE(S)
1-5, 12-15, 18-19	103(a)	Viale US 6,364,728	Murdoch US 3,411,165
6-8	103(a)	Viale US 6,364,728	Murdoch US 3,411,165 Cousteau US 3,082,442
9-11	103(a)	Viale US 6,364,728	Murdoch US 3,411,165 Vilarrubis US 3,913,158
16-17, 20	Objected-to (allowable if rewritten in independent form)		

The Examiner objected to the Information Disclosure Statement filed on October 14, 2003 for the following reasons:

- (1) the lack of an explanation of the relevance of the listed references not in the English language;
- (2) the apparent irrelevance of three listed foreign references; and
- (3) the apparent mis-identification and/or irrelevance of a number of listed U.S. patents.

Rejections Over Prior Art

The Examiner rejected a number of the original claims, including independent Claim 1, as being unpatentable over the prior art of record. However the Examiner also indicated that Claims 16-17 and 20 would be allowable if rewritten in independent form. Applicant has amended Claim 1 to incorporate the limitations of Claim 20; therefore, Applicant respectfully

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submits that independent Claim 1 is in condition for allowance.* Applicant further submits that Claims 2-19 are also in condition for allowance, due to their dependence from an allowable base claim as well as their recitation of further novel and non-obvious combinations of features and/or acts.

New Claims

Applicant submits herein new Claims 21-41, which are believed to be in condition for allowance over the prior art of record.

Information Disclosure Statement of October 2003

The Examiner objected to the Information Disclosure Statement filed on October 14, 2003 for a number of informalities. In response to the Examiner's objections, Applicant respectfully withdraws from consideration the following references which were inadvertently listed, due to an oversight:

- US 5,384
- US 234,305
- US 476,092
- US 787,291
- US 983,967
- US 2,850,487
- US 3,776,363
- EP 509764 A1
- EP 768392 A2
- SU 1239302 A1

Supplemental Information Disclosure Statement

Applicant submits herewith a Supplemental Information Disclosure Statement citing some additional references for consideration by the Examiner.

* However, Applicant respectfully does not concede the unpatentability of the original claims and reserves the right to present or assert similar claims in the future. Claim 1 is amended herein only to expedite issuance of a patent from the present application.

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Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sep. 20, 2004

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